

Amendment No. 4 to SB2033

Hensley
Signature of Sponsor

AMEND Senate Bill No. 2033

House Bill No. 1896*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be referred to as the "Tennessee Patient Safety Cosmetic Medical Procedures Act".

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-152.

(a) As used in this section:

(1) "Cosmetic medical service" means any service that uses a biologic or synthetic material, a chemical application, a mechanical device, or a displaced energy form of any kind that alters or damages, or is capable of altering or damaging, living tissue to improve the patient's appearance or achieve an enhanced aesthetic result;

(2) "Media" or "advertising" means oral, written and other types of communication disseminated for the purpose of soliciting medical services. These communications include, but are not limited to, newspaper or magazine advertisement, telephone directory displays, printed brochures or leaflets, websites, email correspondence, and television or radio announcements;

(3) "Medical director" or "supervising physician" means a physician who:

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(A) Holds an active medical license under chapter 6
or 9 of this title in this state;

(B) Has an active medical practice in this state; and

(C) Is responsible for the provision of or supervises
the provision of cosmetic medical services; and

(4) "Medical spa" means any entity, however named or
organized, which offers or performs cosmetic medical services;
provided, that a medical spa shall not include an individual
physician's office or practice owned by a physician.

(b) Any entity doing business as or advertised as a medical spa shall
display the name of the medical director or supervising physician and shall
indicate one of the following by signage at its practice site and in its media and
advertising:

(1) Whether the medical director or supervising physician is
certified or eligible for certification by a private or public board, parent
association, multidisciplinary board or association that is a member of the
American Board of Medical Specialties (ABMS) or the American
Osteopathic Association (AOA);

(2) Whether the medical director or supervising physician is
certified by a board or association with equivalent requirements to the

ABMS or AOA as approved and recognized by the board of medical examiners or the board of osteopathic examination, as appropriate; or

(3) Whether the medical director or supervising physician is certified by a board or association requiring an Accreditation Council for Graduate Medical Education (ACGME) or AOA approved training program that provides complete training in the specialty or subspecialty certified, followed by prerequisite certification by a certifying board of the ABMS or AOA in that training field and successful completion of an additional examination in the specialty or subspecialty certified.

(c) If the medical director or supervising physician is not certified by any of the entities identified in subsection (b), then the lack of certification shall be displayed by signage at its practice site and in its media and advertising.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.